

WASHINGTON ASSOCIATION FOR SOCIAL WELFARE  
REPORT OF ROUND TABLE ON SOCIAL LEGISLATION

Second Session - September 11, 1958

The second Round Table was convened by Elliot Marple, steering committee chairman, at 1 p.m. on Thursday, September 11, in a Telephone Company conference room at 1107 Fourth Avenue, Seattle. The Roll Call showed that 25 persons representing 15 organizations were present. A list of those attending is attached.

Mr. Marple presented Donald C. Sampson, executive secretary of the Washington State Legislative Council, who had been invited to discuss the Council's bill to establish a merit system of state personnel administration. The bill, prepared by the Council's Subcommittee on State Government, was adopted by the full Council on August 29, 1958 in the form it will be submitted to the Legislature. In his introduction Mr. Marple told of Mr. Sampson's long and valuable experience in the art and science of government and of his work over the years in efforts to secure civil service legislation in this state.

Background on Merit System Legislation

Mr. Sampson opened his discussion by saying it was nearly 25 years ago that he first was involved in efforts to obtain a state merit system. Initiative 101, presented to the voters in 1935, failed. Bills presented to the Legislature by the Shefelman Committee in 1953 and 1955 failed. A modified bill prepared by the Legislative Council in 1957 passed the Senate and failed in the House. It died there, as its predecessor did, in the Committee on State Government.

Nationally, Mr. Sampson said, the civil service movement first gained momentum in the 1890's with the major objective being to prevent hiring of government employees on a patronage basis and discharging of them on a political basis. The National Civil Service Reform League, the voluntary organization leading the way, gradually introduced other features: job classifications, salary schedules in accordance with classifications, health and welfare plans, training for employees so they could secure promotions, and better service to management. The more positive approach is indicated by the present name of the organization: National Civil Service League.

In Washington, Mr. Sampson pointed out, we now have a rather hodge-podge pattern in regard to our state employees. About 6,000 employees, largely in departments where federal funds are utilized (Employment Security, Health and Public Assistance) are covered by a statutory merit system, the first version of which was passed in 1935. Contrary to what many persons think, this is a very brief statute which says in effect: "There shall be a merit system and a personnel board to administer it." There is no closed back door written into the law that covers these three departments. The type of back door in effect is a matter of Personnel Board policy.

Other agencies now under the State Personnel Board are the Fisheries Department and the Division for Children and Youth of the Department of Institutions, both included by the 1951 Legislature. Two other departments have adopted departmental merit plans: Highways and Labor and Industries. The Highway Department system was described by Mr. Sampson as "more like a company union type of operation -- not a true merit system." Still other departments and agencies have merit system coverage by executive order. In the early spring of 1957 Governor



Rosellini removed the Department of Institutions, the Personnel Board and certain other agencies from the non-statutory system which had been instituted by the previous administration. Shortly thereafter he restored merit system status to the Personnel Board. Still later by proclamation he restored the "merit system" for the Department of Institutions.

With this history in view, it is apparent that a merit system by executive order is "probably not even worth calling a merit system." Mr. Sampson reported that some legislators, notably Senator Herbert Freise of Walla Walla, believe that a statutory system is not safe enough either. He would prefer to have the merit system provided for in the State Constitution. On Senator Freise's request staff of Legislative Council have also drafted another bill to establish a merit system by Constitutional amendment (which has to pass both Houses by a two-thirds majority before it goes to the voters.)

Mr. Sampson reported that 31 states now have a statewide merit system covering practically all employees. Others have partial coverage particularly for those departments which must have it to qualify for federal funds. Within the past year Connecticut, Pennsylvania, Florida, Illinois and Wyoming either adopted a comprehensive system or expanded to fairly complete form the system they already had.

#### Objectives of the Merit System Bill Proposed by the Council

Objectives of a sound merit system of personnel administration were enumerated by Mr. Sampson as follows:

- (1) Recruitment and selection of public employees on the basis of their qualifications, education, experience, physical abilities and character.
- (2) A proper classification plan describing all jobs.
- (3) A salary schedule related to job levels within departments and from one department to another.
- (4) Uniform personnel practices for all departments.
- (5) Job security resting solely on job performance with no burden of political activity on the employee.
- (6) Reduction of costly employee turnover through the advantages of career public service.

#### The Opposition: Why Have Other Bills Failed? Who Opposes A Statewide Merit System?

According to Mr. Sampson, opposition comes from varied sources including those who say:

- (1) That civil service destroys incentive in employees, encourages them to make a sinecure of their public jobs, makes discharge almost impossible.
- (2) That a merit system impairs full operation of the party system of government; that holdover employees block implementation of the program the voters have called for.
- (3) That the vitality of the party system is impaired if the winners don't have jobs to hand out for party help.



- (4) That under the patronage system you can get just as capable employees because both parties have talented people.
- (5) That you can't install a merit system satisfactorily on a comprehensive basis because the party in control wants status for all its people and this will naturally be opposed by the other party; that it will endanger or weaken the protections of merit systems already in effect for certain agencies.
- (6) That you can retain rank and file employees anyway, without a merit system.
- (7) That the merit system makes state employees second class citizens deprived of their right to do as they please in the party of their choice.

Mr. Sampson suggested that this range of opposition gives some indication of the political cross-play that will inevitably occur in the Legislature.

#### Policy Considerations in Arriving at Provisions in the Bill

The Legislative Council dealt with the following policy considerations in coming to agreement on the provisions of the bill to be proposed:

- (1) What shall the dismissal or disciplinary provisions be -- closed or open back door?
- (2) What kind of grandfather clause or status provision shall we have? (Who shall be required to take qualifying examinations?)
- (3) What positions shall be exempted from the merit system?
- (4) What branches of government shall be exempted?
- (5) How important is a positive requirement that the Personnel Board shall make an annual salary and wage survey to set the level of salaries for the labor market area?
- (6) Shall the personnel agency be financed by a revolving fund or by legislative appropriation?
- (7) Shall we adopt a single statewide merit system or shall we add more statutory systems to those already on the books?
- (8) Shall the law specify that special interest groups, such as labor, must be represented on the State Personnel Board which is to administer the plan?

#### Review of the Bill as Approved by the Legislative Council on August 29

Copies of the 25-page mimeographed bill (Recommendation No. 5 of the Subcommittee on State Government of the Legislative Council) were distributed, also a single sheet of amendments made by the Council on August 29. The following is a summary of the important features of the bill as pointed up and discussed by Mr. Sampson. The bill provides for:

- (1) A single state merit system covering all state agencies with certain exceptions: elected officials and their chief deputies and heads of divisions created by statute, members of boards and commissions, the directors and all assistant directors of departments or offices appointed



by the Governor, confidential secretaries, military personnel, student, part-time and temporary employees, members of the Legislature and its staff, the judicial branch of government, the five institutions of higher learning, institutional inmates, and temporary professional consultants. (The central personnel agency may, however, make its services available on request to the legislative or judicial branch of state government, the institutions of higher learning, or to any county, city, town or other municipal subdivision of the state.)

- (2) A state personnel board of five members, not more than three of whom shall belong to the same political party; members to be appointed by the Governor, with the advice and consent of the Senate, for staggered 6-year terms. The Board will adopt the rules and regulations which will be carried out by a professional staff, headed by a director of personnel. Staff, with the exception of the director, will be under the merit system.
- (3) A closed back door rather than the modified back door which was in the bill as originally drafted by the subcommittee. Representatives of labor pressed strongly for this change to be in bill before it goes to the Legislature. This makes the Personnel Board the final authority on appeals in case of dismissals, suspensions and demotions. If the Personnel Board finds the action of the employer unjustified, the employee must be reinstated in his old job.

Mr. Sampson pointed out that there is strong public opposition to this closed back door because many people are fearful of its making it impossible to get rid of an incompetent or irresponsible employee.

- (4) Prohibition of any political activity by employees other than holding membership and paying dues in a political club. An employee may take leave without pay to run for political office. He may serve in a local, non-partisan public office (such as on a school board) while holding his state job.
- (5) A grandfather clause which states that all employees who have been in the state service for two years continuously prior to January 1, 1959 and are still employed on July 1, 1959 will have merit system coverage without taking a qualifying examination. Mr. Sampson pointed out that both political parties made concessions in agreeing upon this provision.
- (6) Financing of the central personnel operation by an appropriation from the General Fund -- from a special account within it so that it will always be there. There is a further provision to the effect that any agency which has any of its funds from other than the General Fund shall have its cost of Personnel Board services computed on a pro rata share basis (General Fund and non-General Fund) so that it will pay into the special account in the General Fund for services received in proportion to that part of its budget which comes from non-General Fund sources.
- (7) Meeting all federal requirements. When enacted it will supersede all present state personnel systems.



### Discussion on the Bill

Brief questions were raised by members of the group for clarification and further elaboration of the Council's point of view on the following points: status of new "merit system" employees not under a statutory merit system (they will have to take examinations); how the bill meets federal requirements; how elective officials feel about it (Public Instruction approves; Auditor and Attorney General oppose having their staffs covered); where the organized opposition will come from (see pp. 2-3 Labor will back it in its present form); and the reasons for setting a ceiling by law upon the salaries of the personnel director and board members (to prevent sabotage of the act by having the salaries set too low. Mr. Sampson concurred with the questioner that it would be preferable to set a floor rather than a ceiling.)

The largest proportion of the question time was spent on the provision which would exempt assistant directors of departments and agencies from the merit system. According to Mr. Sampson, the Council had differences of opinion on this, with some wanting only one assistant director exempted and others feeling this would be too restrictive for some large departments. The assistant directorships must be determined by the Personnel Board to be bona fide positions unless they are already provided for by law. The intent was to exempt, insofar as possible, policy-making positions, but in the Department of Institutions the Council chose not to go as far down the line as the individual heads of institutions although they are in a position to make a good deal of policy. Employee and Labor groups want the assistant directors covered but there was little sympathy for this in the Council as they believe a new director coming into any department should be free to choose his own policy-making group; otherwise he is in an impossible spot if the men already there do not agree with him. Some states, however, (none named) have assistant directors covered by their merit systems.

Questions of legislative strategy were also raised. Mr. Sampson stressed that in the interest of accomplishing an overall objective compromise is sometimes necessary; in fact, the essential element in legislation is being willing to give in on some things not quite to your liking in order to achieve the overall objective that is important to you. There is always danger in pressing for minor amendments because "you don't know what will fly out of Pandora's box once it's opened." There is a standard joke in the Legislature about "taking out the Fertilizer Fund" which illustrates this point. Several years ago there was a bill to consolidate a large number of special funds into one fund in the State Treasury. A farmer member agreed with the idea but moved to strike the Fertilizer Fund of \$10,000 which was very important to the farmers. Before they got through every fund in the bill was stricken.

Members of the Legislative Council instruct Mr. Sampson as to where he shall introduce each bill when the session opens. The last two bills were introduced in the Senate and passed that house rather quickly. When they went to the House, however, they died in the Committee on State Government. There was no doubt in anyone's mind that, had either bill been brought out for final vote on the floor, it would have been passed. On the other hand, should the bill start in the House and pass there, it could die in the Senate log jam at the end of the session as so many bills do. More than 80 percent of the bills that failed in the last session died in the Senate -- many of them in Senate Rules in the second reading. Active interest in a bill, before and during the session, is essential on the part of those who want it passed, Mr. Sampson emphasized.

Although a separate bill for a merit system for the Department of Institutions and the Board of Prison Terms and Paroles has been drafted, it is doubtful that it will be introduced unless the comprehensive bill gets into trouble.



Other Business

Mr. Marple expressed appreciation to Mr. Sampson for his extremely helpful presentation. The meeting was continued for two items of business: finances and future program.

Miss Bannister, President of WASW, reported that the WASW Board of Directors, as sponsors of the Round Table, have voted to meet full costs of the first two Round Tables but, due to budget limitations have asked that others coming to the Round Table be invited to share in some way in meeting future expenses. Major expenses are in connection with duplicating and mailing services. Some donated services are available and the cash outlay will be somewhere between \$15.00 and \$18.00 per session, Miss Bannister believed. A proposal made by the Steering Committee that each organization having a representative at a session be expected to pay 50¢ was discussed and discarded because it probably would not provide adequate funds and was not related to the service, which is the material received by mail. Dr. Farner proposed that some of the larger associations take turns doing the work or underwriting the expense of the mailings, e.g. he might propose to his Executive Board that their association make a contribution of not to exceed \$25.00 to support one session in perhaps a 2-year period. Then they would be billed for the actual cost of "their" session. Some concern was expressed over this plan in view of the fact that there is wide variation in size and assets of the organizations represented. Mr. Lippman proposed that the organizations take out organizational memberships of \$5.00 or \$10.00 per year in the Washington Association for Social Welfare. He believed that all would benefit from holding such membership. Earlier Miss Bannister had stated she was not suggesting this plan of financing although WASW was glad to have organizational members. Mrs. Weiss brought out the fact that the League of Women Voters and perhaps some other organizations are prohibited from joining any association which takes a political position. She proposed a plan whereby the interested organizations would subscribe to a mailing service without becoming members of WASW. An earmarked contribution to WASW was also suggested as another means that might be adopted. No vote was taken on the various ideas presented. It was agreed informally that the Steering Committee would work out a definite plan to be brought back to the group.

A question was raised as to appropriate use of the mailing list, e.g. to advance the candidacy of individuals. By a show of hands it was decided that the list should not be made available to help individual candidates for office. Members of the Round Table were encouraged, however, to use the list to circulate their own material on legislative issues to other members.

Interest in bringing together for joint legislative activity organizations with allied interests was expressed by several members. Members of the Steering Committee referred to the original plan by which the Round Table itself would serve only as a clearinghouse and common meeting ground. As suggested in the first session, alliances outside the Round Table might well be formed out of mutual interests discovered here. It would be entirely appropriate to report on such joining of forces at the Round Table itself.

As to future program, suggestions included further discussion of the merit system proposal, the recommendations of the Governor's Tax Advisory Council, the 25 million dollar general obligation bond issue for institutional buildings which will be on the November ballot, and the legislative programs of the several state departments. The final proposal was that programming be left to

the Steering Committee, with each member taking responsibility for getting in touch with the committee when he would like to see a topic covered. The Steering Committee accepted this with a request that members "not be too silent."

The meeting was adjourned at 3:15 p.m. with an expression of sincere appreciation to Mr. Billings and the Pacific Telephone and Telegraph Company for use of the room.

Elizabeth T. Bannister  
Elizabeth T. Bannister, Secretary Pro Tem



## LIST OF THOSE PRESENT AT SECOND ROUND TABLE

<u>Name of Organization</u>	<u>Representatives</u>
League of Women Voters of Washington	Mrs. Caroline B. Farner Mrs. Philip J. Weiss
Washington Citizens Council of NPPA	Mrs. Bruce A. Coombs, Yakima C. R. Bechtol W. J. Billings
Washington Association for Retarded Children	Mrs. H. A. Rogers Leopold Lippman
Puget Sound Personnel and Guidance Association	Percy B. Bell
Washington State Public Health Association	Lloyd M. Farner, M. D.
Washington State Psychological Association	W. E. Fordyce
State Federation of Women's Clubs	Mrs. Carl Moyer
Council of Washington Chapters of the National Association of Social Workers	Mrs. Jessie Krueger
Washington State Nurses Association	M. Young representing Mary Ella Adams
Catholic Charities	Rev. Dennis F. Muehe
Washington State Health Council	Jack Mathews
Governor's Council on Aging	Miss Mary Margaret Davies
Washington State Recreation Society	Elmer H. Anderson
Washington Probation and Parole Association	Vincent E. Foster, Jr. Robert Northrop
Washington Association for Social Welfare	Elliot Marple Mrs. Hanford Haynes Mrs. R. H. Wensberg David Gronewald William H. Ireland Miss Elizabeth T. Bannister